

REMARKS

STATUS OF THE CLAIMS

Claims 1-31 are presently pending. No claim amendments have been made, and thus no new matter has been added.

REJECTION UNDER 35 U.S.C. §103

Claims 1-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,492,638 to Wallace et al. in view of U.S. Patent No. 5,358,650 to Srinivasan et al. Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness. In particular, the Examiner has failed to establish that the combination of references teaches or suggests the claimed invention.

The Examiner admitted that Wallace does not teach or suggest the claimed friction modifying compound¹. See Office Action at page 3. The Examiner relied upon Srinivasan for teaching compositions comprising conventional additives for lubricant compositions, but does not rely on Srinivasan for overcoming the deficiencies of Wallace. In particular, Srinivisan does not teach or suggest, and the Examiner has not established otherwise, a composition comprising the claimed friction modifying compound. At most, Srinivisan teaches Mannich base dispersants that are formed by condensing a hydrocarbyl-substituted phenol with one or more aliphatic aldehydes and one or more polyamines. See *id.* at col. 8, lines 23-29. However, the polyalkylene polyamine is used as a reactant to form Mannich base dispersants, and is not present as an individual ingredient in the resultant composition, much less used as a friction

¹ Applicants note that the Examiner stated that the "patent does not teach applicants' friction modifying compound, d." *Id.* However, the friction modifying compound in claim 1 is component c.

modifying compound. Therefore, the reference does not overcome the deficiency of Wallace because it does not teach or suggest a friction modifying compound comprising an alkylene amine compound, as recited in the present claims.

Thus, the combination of Wallace and Srinivsan fails to teach or suggest all of the claimed elements. For at least this reason, Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness.

Applicants note that the Examiner discussed a Walsh reference on page 3 of the Office Action, but that this reference is not part of the formal rejection on page 2. However, in the interest of advancing prosecution, Applicants have assumed that the reference to Walsh is a reference to U.S. Patent No. 4,584,113. Walsh does not overcome the deficiencies of Wallace and Srinivasan discussed above in relation to the rejection of record.

Walsh teaches a sulfurized composition prepared by sulfurizing a mixture comprising at least one terpene compound and at least one other olefinic compound. See Abstract. However, the reference does not teach or suggest a friction modifying compound comprising an alkylene amine compound. Walsh teaches Mannich base dispersants which are formed by reacting alkyl phenols and amines. See col. 8, line 8. Walsh also teaches amine dispersants which are formed by reacting high molecular weight aliphatic or alicyclic halides with amines. See col. 17, line 62. However, one of ordinary skill in the art reading Walsh as a whole would have to specifically select a polyalkylene polyamine among the broad category of general amines. Such a varied selection is hardly sufficient to teach or suggest a polyalkylene polyamine specifically. Moreover, the polyalkylene polyamine is used as a reactant to form dispersants, not as

a friction modifying compound. Therefore, Walsh does not teach or suggest a composition comprising a friction modifying compound comprising an alkylene amine compound, as recited in the present claims, and does not overcome the deficiencies of Wallace and Srinivasan.

For at least the foregoing reasons, the Examiner has failed to establish that the cited references, alone or in combination, would have rendered obvious the claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

In view of the foregoing remarks, applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

FEES

It is believed that there are no fees associated with this filing. However, in the event the calculations are incorrect, the Commissioner is hereby authorized to charge any deficiencies in fees or credit any overpayment associated with this communication to Deposit Account No. 05-1372. Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 05-1372.

Respectfully submitted,



Paige J. Thomson, Reg. No. 50,502

330 South Fourth Street
Richmond, VA 23219
Phone: 804-788-5496
FAX: 804-788-5519
E-Mail: Paige.Thomson@NewMarket.com

Date: April 26, 2006